

<b>Interview Summary</b>	Application No.	Applicant(s)	
	09/641,248	WOLF, PETER H.	
	Examiner	Art Unit	
	Naeem Haq	3625	

All participants (applicant, applicant's representative, PTO personnel):

(1) Naeem Haq - Examiner.

(3) Aaron Borrowman - Attorney of Record.

(2) Yogesh C. Garg - Primary Examiner.

(4) Peter Wolf - Inventor.

Date of Interview: 01 June 2005.

5) Wynn Coggins - SPE

6) Robert Weinhardt - Business Specialist

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☒ Yes e) ☐ No.

If Yes, brief description: Inventor provided a presentation that is attached to this Interview Summary.

Claim(s) discussed: Claim 1.

Identification of prior art discussed: Imhof, Narayanaswami, Sigel.

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.



Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Attorney of Record argued that the primary refereces (Imhof and Sigel) are directed to "photo-finishing" and not to "event photography". The Attorney also argued that the primary references do not satisfy the limitation "taking photographs of substantially the entire body...", or "informing the sporting participants of the identifying data". Finally, the Attorney argued that the Examiner has relied on hindsight reconstruction in applying the references. The Examiner respectfully disagreed as noted in the previous Office Action. The Inventor also noted that his camera uses a CCD image sensor to capture substantially the entire body.

- **Event Photography - History**
- **Basic Teachings by Imhof, Sigel and Wolf**
- **Event Photography - Definition**
- **Description of Imhof's Patent**
- **Description of Sigel's Patent**

Peter Wolf (Inventor)  
Aaron Borrowman (Attorney)  
Application No. 09/641,248  
June 1, 2005

## **EVENT PHOTOGRAPHY - HISTORY**

### **1975 - Event Photography**

While many things have changed about our industry, one thing has remained constant. MarathonFoto continues to be the premier name in event photography. **In business for the past three decades....**

[MarathonFoto – About Us; <http://www.marathonfoto.com/about.cfm?BFI=2ds03sad17>]

### **1989 - Internet Access**

In 1989-91, Tim Berners-Lee invented the World Wide Web.

[The History of the Internet, by Mary Bellis;

<http://inventors.about.com/library/inventors/blinternet.htm>]

### **1999 – First Sport Event Photography via Internet by Wolf**

- 1998 Solvang Century – I could do better (see photos)
- May 8, 1999 Cruisin' The Conejo Event Photography by Wolf (par. 7)  
Great acceptance and encouragement
- Summer of 1999 – Created PhotoCrazy.com website & Shopping Cart
- September 22, 1999 Wolf disclosed invention to BRDAA (par. 12)  
Invited to make presentation at annual meeting (see picture)  
Everyone was excited and complimentary  
Bad experiences with traditional methods  
Disclosure to MarathonFoto & 150 members nationwide in meeting minutes
- September 25, 1999 Lighthouse Century Event Photography by Wolf (par. 13)
- Improved website and filed patent application
- Immediate demand for Sport Event Photography via Internet  
[par. refer to Wolf Declaration]

### **2000 – Sport Event Photography became a “Buzz” among Photographers**

### **2001 – Dedicated Internet Bulletin Board to Event Photography**

For discussion of the use of digital cameras in event photography. Discuss digital photography workflow concerns specific to event photography. Also discuss the art and business of event photography in general. [<http://www.robgalbraith.com/bins/index.asp> – see Event Forum]

### **2002 – The first Annual National Event Photographer's Conference**

[Imaging Resource Newsletter Archive - October 19, 2001

<http://www.imaging-resource.com/IRNEWS/archive/v03/20011019.htm>]

[Search [www.robgalbraith.com](http://www.robgalbraith.com) Event Forum for “Event Photographers Conference”]

### **2002 – MarathonFoto Event Photography copy-cat via Internet**

Over 125,000 photos were taken of the more than 31,000 finishers. The photos were online within five days of the race and proofs were mailed within one week of the event. **Over 80% of race participants viewed their photos online.** [The La Salle Bank Chicago Marathon; Redefine Your Limits; October 12, 2003; Emphasis added.]

## **Basic Teachings by Imhof, Sigel and Wolf**

Imhof teaches a method of measuring the precise moment an athlete passes a certain location by superimposing ("Genlock") precise time lines over a video image of the athlete at the location of interest.

Sigel teaches a method of measuring the precise moment an athlete passes a certain location by imaging a narrow 0.25-inch portion ("line scan") of the location of interest and recording the time of each such line scans.

Wolf teaches a method of sport event photography for inspection, selection and distribution via the Internet.

## **Basic Motives by Imhof, Sigel and Wolf**

The purpose of Imhof and Sigel's patents is to record the precise time an athlete passes a location and establish the winner at a competitive event.

The purpose of Wolf's invention is to provide sport event photographs of athletes for inspection, selection and purchase via the Internet.

## **Definitions**

**Event photography:** For action shots we try to get the entire person in the picture, but we also want some form of action. For some kinds of sports, this means multiple people in a single shot. At equestrian events we want the rider and the entire horse; sometimes this means that there's also a buggy. [Roger Loeb, President, The MarTech Group, Inc.; 4673 Moonshine Ridge Trail, Parker, CO 80134; (720) 851-6677]

## Description of Imhof's Patent

**“Video systems which record and display races in a standard television or video format are popular,** but regardless of the particular implementation of these systems, a portion of the **electronic image remains on an analog medium,** such as recording tape. Since analog data from the systems consists of a continuum of information over time, it is relatively difficult to accurately apportion to a unique time interval. It is even more difficult to access a particular moment in time in the recorded sequence because the associated system must search the storage medium, typically having a long physical length in a spooled format, e.g., a video cassette. This presents both limitations and difficulties for users wishing to simultaneously record, view the current race, and review earlier segments of the race (or even a previous race) because only one user can have access to any of the information stored and recorded at any one time.” [Sigel Col 1 Lines 39-54; Emphasis added]

## Description of Sigel's Patent

The cameras used in track and field are the most sensitive. The extremely fast cameras, which take 1,000 images per second, shoot only the first 8 millimeters of the finish line. As the runners cross, the cameras capture their bodies in a series of thousands of minuscule bits, first photographing the tip of the toe, then the finger, then the tip of the nose, with resolution so fine it can pick up the hair on runners' bodies.

All those thousands of pictures are then electronically pieced together to reproduce a photo finish. That's why the runners' bodies look distorted in official finish line recordings -- **because the picture is not an actual picture but a visual re-creation of matter crossing a point in time.** [Keeping a closer eye on athletes New devices help track winners, losers at Games; Meredith May, San Francisco Chronicle Staff Writer; Monday, August 23, 2004; emphasis added]  
[<http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2004/08/23/BUGCL8BT4C1.DTL>]  
[<http://www.finishlynx.com/lynx/press/DELTAINF.pdf>]

**Note:** Neither Sigel nor Imhof ever use the term “Photography” in their patents.